



Docket: A-1028con

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5-11-99
11/19

In re Application of:

Foerster et al.

Group Art Unit: 3733

Serial No: 08/858,389

Filed: May 19, 1997

Examiner: B. Koo

For: METHODS AND DEVICES FOR MARKING
AND DEFINING TISSUE

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

MAY 04 1999

Group 3700

AMENDMENT AND RESPONSE TO
RESTRICTION ELECTION REQUIREMENT

Sir:

In response to the Examiner's Office Action of March 24, 1999, please amend the above identified application as follows:

IN THE CLAIMS

Please cancel claims 40 and 41.

Please amend claim 43 to depend upon claim 44.

REMARKS

Claim 43 has been amended, and claims 40-41 have been canceled.

The Office Action requires an election between the species of Figures 4, 9, 12, 13, 14, 15, 16, 18, 19, and 20. While the Applicants do not believe this requirement is precisely drawn, since some of the so-called species are interrelated, for the purposes of